



CANNON BUILDING
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, January 2, 2013 at 1:30 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	February 6, 2013

MEMBERS PRESENT

Peter H. Jennings, RA, Professional Member
Richard Wertz, RA, Professional Member
John Mateyko, RA, Professional Member
Prameela Kaza, Public Member
Elizabeth Happoldt, Public Member
Brian Lewis, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Meaghan Jerman, Administrative Specialist II
Kay Warren, Deputy Director, Division of Professional Regulation
Patricia Davis-Oliva, Deputy Attorney General, Division of Professional Regulation

ABSENT

Kenneth Freemark, RA, Professional Member, President
Joseph Schorah, Public Member, Secretary
Kevin Wilson, RA, Professional Member

OTHERS PRESENT

David Pederson, RA Delaware Technical Community College
Nancy Payne, DE Chapter of AIA

Call to Order

Mr. Jennings called the meeting to order at 1:35 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the December 5, 2012 meeting. Mr. Wertz made a motion to accept the minutes as presented, seconded by Ms. Kaza. With Mr. Lewis abstaining, the motion carried with a majority vote.

Unfinished Business

Update on Delaware Tech Student Capstone Project

Mr. Jennings informed the Board that a subcommittee meeting with Delaware Tech was held following the December 5, 2012 Board meeting and that the meeting established the groundwork for the creation of the Memorandum of Understanding with Delaware Tech. Mr. Jennings shared that progress is being made within the Subcommittee. Mr. Jennings informed Board members that the Subcommittee members have been invited by Delaware Tech to attend the next meeting of the group at the College and they will provide a tour of the Architectural Engineering Program.

New Business

FOIA Discussion/Open Meetings

Kay Warren, Deputy Director of the Division of Professional Regulation, and Patricia Davis-Oliva, Deputy Attorney General for the Division addressed the Board regarding the Freedom of Information Act (FOIA). Ms. Warren explained to the Board that as there had recently been some discussions about when to notice a public meeting, she and Ms. Davis-Oliva hoped to provide additional clarification on the matter. Ms. Davis-Oliva shared her recommendations regarding FOIA law. Ms. Davis-Oliva explained that it is very important that public business be discussed in a public forum. Further, Ms. Davis-Oliva went on to explain to the Board that Delaware is a state where the public is invited and encouraged to see how decisions are made, and how the Board arrives at those decisions. Mr. Jennings inquired about how to avoid violating FOIA in a situation where multiple Board members may attend a national meeting outside of Delaware to review national standards. Ms. Davis-Oliva stated that based on what FOIA defines as public business, Board members would not be violating FOIA by attending a national meeting to vote on national standards, and the Attorney General's office has given an opinion that attending a national conference that affects a Board's regulated profession does not constitute a meeting during which public business is discussed. Ms. Davis-Oliva also cautioned Board members not to "discuss" public business over email with one another. Ms. Davis-Oliva stated that email is essentially having a conversation outside of the public purview and she advises against any communication via email regarding business of the Board. Ms. Davis-Oliva stated that her preference is that email is limited to scheduling purposes and if in a time sensitive situation, where a final review of a document that has already been discussed at a public meeting is needed or signatures need to be collected, all communication regarding the document should be directed to the Board Attorney or Liaison. Ms. Davis-Oliva clarified that this is not the best practice, but in a situation where it is necessary, this would be the safest way to proceed. Ms. Warren confirmed that emails are subject to FOIA document requests. Ms. Warren explained that the trend is a more transparent government. Ms. Warren stated that it is the Division of Professional Regulation's responsibility to ensure that FOIA and the Administrative Procedures Act (APA) are followed by all Boards and Commissions.

New Complaints Assigned to a Contact Person

None

Ratification of Certificate of Authorization Applications

Mr. Lewis made a motion to ratify the certificate of authorization issued to Fabo Enterprises, Inc. seconded by Ms. Kaza. The motion carried unanimously.

Ratification of Reciprocity Applications – NCARB Certificate

Mr. Wertz made a motion, seconded by Ms. Kaza, to ratify the listing of issued licenses to NCARB Certified architects by reciprocity. The motion carried unanimously.

Richard Luke

David Mollenkopf

Robert Vosbeck

Other Business Before the Board (for discussion only)

There was no other business before the Board.

Public Comment

There was no public comment.

Executive Session

Mr. Mateyko made a motion, seconded by Mr. Wertz to enter into Executive Session to discuss potential litigation. The motion carried unanimously. The Board entered into Executive Session at 2:17p.m. The Board exited Executive Session at 2:35 p.m.

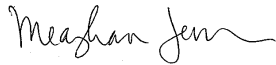
Next Scheduled Meeting

The next meeting will be held on February 6, 2013 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Mr. Mateyko made a motion to adjourn the public meeting, seconded by Mr. Wertz. The motion carried unanimously. The meeting adjourned at 2:36 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Meaghan Jerman".

Meaghan Jerman
Administrative Specialist II